

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

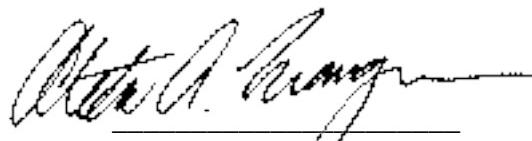
FIDELITY & DEPOSIT COMPANY OF MARYLAND,)	
)	
)	
Plaintiff,)	
)	Case No. 3:04-1121
v.)	
)	Consolidated with
WESTERN EXPRESS, INC.,)	Case No. 3:05-0039
)	
Defendant.)	JUDGE TRAUGER
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WESTERN EXPRESS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
LEXINGTON INSURANCE COMPANY and FIDELITY & DEPOSIT COMPANY OF MARYLAND,)	
)	
)	
Defendants.)	

ORDER

For the reasons stated in the accompanying Memorandum, the Motion for Summary Judgment of Fidelity & Deposit Company of Maryland (Docket No. 40) and the Motion for Summary Judgment of Lexington Insurance Company (Docket No. 58) are **DENIED**. The Motion for Summary Judgment of Western Express (Docket Nos. 44, 51) is **DENIED** as **MOOT**.

It is so ordered.

Enter this 2nd day of December 2005.



ALETA A. TRAUGER
United States District Judge